

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

AL ANTHONY VILACASILLAS,)	
<i>Plaintiff,</i>)	
)	Case No.
v.)	
)	
EDWARD ROSE ASSOCIATES, L.L.C.)	
d/b/a “Beacon Hill Apartment”, and EDWARD)	
ROSE PROPERTIES, INC. d/b/a “Edward)	
Rose and Sons”,)	
<i>Defendants.</i>)	
)	

DEFENDANTS’ NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1446(a), Defendants Edward Rose Associates, L.L.C. and Edward Rose Properties, Inc. (“Defendants”), by and through their undersigned counsel, respectfully submit this Notice of Removal in the above-captioned action, from the Circuit Court for the 17th Judicial Circuit in Winnebago County, Illinois, Case No. 2023-CH-0000033, to the United States District Court for the Northern District of Illinois, and in support of that removal state as follows:

I. PROCEDURAL BACKGROUND

1. On or about June 2, 2023, Plaintiff Al Anthony Vilacasillas (“Plaintiff”) filed his original complaint (the “Complaint”) in the Circuit Court for the 17th Judicial Circuit in Winnebago County, Illinois, Case No. 2023-CH-0000033, styled *Al Anthony Vilacasillas v. Edward Rose Associates, L.L.C., Edward Rose Properties, Inc.* **Ex. A.**

2. On or about August 1, 2023, Plaintiff finally provided true and correct copies of both the Complaint and the Summons to Defendants, and Defendants’ counsel accepted service thereof. **Exs. B-C.**

II. REMOVAL IS PROPER

3. This Court has original jurisdiction in actions “arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. An action “arises under” federal law within the meaning of 28 U.S.C. § 1331 if federal law either creates the cause of action or the plaintiff’s right to relief necessarily depends on resolution of a substantial question of federal law. *Franchise Tax Board v. Construction Laborers Vacation Trust*, 463 U.S. 1, 27-28 (1983). Plaintiff alleges that he suffered damages as a result of Defendants’ alleged violations of 42 U.S.C. 3604(f) and 42 U.S.C. 3617. **Ex. A.**

4. Plaintiff alleges that Defendants violated 42 U.S.C. 3604(f) by denying Plaintiff’s request for his service animal, issuing a lease violation because Plaintiff has a service animal, and issuing a ten-day notice of a lease termination because Plaintiff has a service animal. **Ex. A**, Count I.

5. Plaintiff alleges that Defendants violated 42 U.S.C. 3617’s prohibition on retaliation when Plaintiff retained counsel to enforce his right to be allowed his assistance animal, and Defendants issued a ten-day notice of termination. **Ex. A**, Counts II-III.

6. While Defendants dispute all such claims, Plaintiff’s Complaint undoubtedly arises under federal law and presents federal questions.

III. VENUE IS PROPER

7. Removal to the United States District Court for the Northern District of Illinois, Western Division, is proper under 28 U.S.C. § 1441 because this is the United States District Court and Division having jurisdiction and venue over the location of the pending state court action.

IV. REMOVAL IS TIMELY

8. This Notice of Removal is timely under 28 U.S.C. § 1446(b)(1) because it is filed within 30 days from the date Defendants received a copy of the Summons and Complaint through service.

V. NOTICE TO STATE COURT AND PARTIES

9. Concurrent with the filing of this Notice of Removal, a Notice of Filing a Notice of Removal is being filed with the 17th Judicial Circuit as required by 28 U.S.C § 1446(d).

10. Defendants are serving Plaintiff's counsel with a copy of the Notice of Removal and the Notice of Filing of Notice of Removal as required by 28 U.S.C § 1446(d).

VI. CONSENT OF ALL DEFENDANTS

11. Removal of this case is otherwise proper because all Defendants currently served in this action have consented to the removal of this case from the 17th Judicial Circuit in Winnebago County, Illinois, to the United States District Court for the Northern District of Illinois.

VII. ATTACHMENTS

12. Attached as **Exhibit A** is a true and correct copy of Plaintiff's original petition.

13. Attached as **Exhibit B** is a true and correct copy of Plaintiff's summons.

14. Attached as **Exhibit C** is a true and correct copy of the executed process (the return of service) in the state court case.

15. Attached as **Exhibit D** is a true and correct copy of the Register of Actions in the state court case.

VIII. CONCLUSION

Accordingly, Defendants file this Notice of Removal and respectfully request that: (i) Cause No. 2023-CH-0000033 be removed from the 17th Judicial Circuit of Winnebago County,

Illinois to this Court; (ii) this Court assume jurisdiction; and (iii) the Court grant any additional relief that the Court determines is appropriate.

Dated: August 10, 2023

Respectfully submitted,

By: /s/ Emory D. Moore /
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CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2023, the foregoing was electronically filed with the Clerk of the Court using the e-filing system and a courtesy copy served by electronic mail upon the following counsel of record:

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/s/ Emory D. Moore /
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